

10.^d

241.

A FULL
ACCOUNT
OF THE
CASE

OF

JOHN SAYER, Esq;

From the Time of His

Unhappy Marriage with his WIFE,

TO HIS

DEATH.

Including the Whole Intrigue between

Mrs. Sayer and Mr. Noble;

WITH SEVERAL

Diverting Incidents, and the Prosecution at large a-
gainst NOBLE, as appear'd at the CORONER'S INQUEST,
and at KINGSTON-ASSIZES.

L O N D O N :

Printed, and Sold by A. Baldwin, at the Oxford-
Arms in Warwick-Lane. MDCCLXIII.

24. March.

(Price One Shilling.)

A FULL
ACCOUNT

W. Augood

CASE

OF
JOHN SAYER, Esq;

Unhappy Marriage with his WIFE
From the Time of His



TO HIS
DEATH

Including the Whole Intercourse between

Mrs. Sayer and Mr. Noble;

WITH SEVERAL

Diverging Incidents, and the Prosecution at large against NOLLE, as appeared at the CORONER'S INQUEST, and at KINGSTON-ASSIZES.

L O N D O N :

Printed, and Sold by A. Baldwin, at the Oxford-Street, in Warwick-Lane. MDCCLXIII.

(Price One Shilling)



ACQUAINTANCE

OF THE

CASE

OF

John Sayer, Esq; &c.

I Shall not pretend to write the whole Life of Mr *Sayer*, the Subject of the following Pages, he being a private Gentleman, in whose Story there happen'd nothing extraordinary but what has relation to his unhappy Marriage, the occasion of all his Misfortunes, and at last of his Death.

John Sayer Esq; of Biddleſden in the County of Bucks, was Lord of that Mannor, which is 800 *l.* a Year, and had other Eſtates to the value in all of 1000 *l.* per Ann. He was as to his Perſon agreeable enough, of a ſingular, eaſy, quiet Temper, and honeſt Principles, both as to his Neighbours and the Publick. There was no blemiſh on his Character while he liv'd ſingle, nor no Vice was laid to his Charge. He was ſeldom or never guilty of what is become ſo fashionable among Country Gentle- men, that 'tis hardly reckon'd a Fault, I mean the Love of a Bottle, and his Repu- tation was ſo fair, his Fortune ſo ample, that as they gave him the Promise of any Match ſuitable to his Condition and Circumſtances, ſo did they alſo flatter him with the Hopes of a happy Life. But whoever builds his Hopes on Matrimony, if they are not miſtaken to the Degree that Mr Sayer was, may at leaſt find their Building to have a ſandy Foundation.

Salisbury In the Year 1699. Mr Sayer marry'd Mrs. Mary Nevil, Daughter of Admiral Nevil, by his Wife Mary, who since the Admiral's Death, marry'd Collonel S—— a Gentleman of so much Bravery and Honour, that it is pity his Lot should not have given a more deserving Woman to his Arms. Mrs. Mary Nevil, her Daughter, cou'd not be reckon'd a First-Rate Beauty, but her Person did not want Charms, and her Wit was sufficient to give her the Character of a very agreeable Woman, had her Virtue been equal to either her Wit or Charms. She had all the Advantages of Education, which was attended with a liveness of Humour, that if it had kept within Bounds, would have sav'd her the Indecency of being always the first Mover in the Affair of Love.

By the Marriage Articles dated the 24th of January 1699. it was agreed, That young Mrs. Nevil's Share of the Estate devis'd by the Admiral, which being undivided, was conceiv'd to be better than 3000 l. besides Jewels, should be valu'd in the Settlement as follows; Mr Sayer on the Receipt of 1000 l. was to settle 50 l. a Year Pin Money, and 100 l. a Year for every 1000 l. of the Residue of her Fortune, to be receiv'd by her Husband, and to be employ'd for her by Trustees.

It was hardly a Fortnight after the Marriage was consummated, before the Bridal Joys were forgotten, and the Bride began to treat her Husband with the utmost Coldness and Contempt. I have been inform'd she kick'd him within a very few Days, and upbraided him in such a manner, that it was not doubted she wou'd soon procure herself that Satisfaction in a Lover, which she gave Hints broad enough were wanting to her in her Husband. Mr Sayer was fond of her almost to Doating, blind to all her Weaknesses, and the Cruelty of his Wife in making such Returns to his Passion, lay so heavy on his Mind, it was quickly perceiv'd his future Life wou'd be such, that not his Estate, nor her Youth and Beauty, could render it happy.

In about a Twelvemonth's Time she brought him a Daughter, who dy'd in its Infancy. His Love to her after she had made him a Father encreas'd so, that he thought nothing too good for her that was in his Power to give her. He daily made her Liberal Presents, took a good House for her in Town in *Lisle-street* near *Leicester Fields*, set up a handsome Coach and Equipage, try'd all ways to soften her towards him, and work upon a Disposition which seem'd as much too Complaisant to others as it was Froward to him. Neither did she give herself the trouble to conceal her Disgust, declaring publicly, he was so disagreeable to her, she wou'd never again admit him to her Bed, a Banishment the most tedious to him of any he could have suffer'd. She excluded him from the Marriage Joys for several Months together. He had always a lovely Woman in his House, but never once in all that Time in his Arms; and as he was not much above One and Twenty Years old, it is no wonder such Usage should tempt him to seek in some other Women the Pleasure he was deny'd in his Wife.

It was this that gave him the first Tincture of Vice, and as the Consequences of Town Gallantry are always Fatal, Poor Mr Sayer met the Punishment in the Sin, and a Mistress cheaply purchas'd gave him into the Bargain a Disease he could not easily get rid of. The Man was so plain hearted, that he confess'd the whole Matter, and withal thought himself so ill us'd, that the Crime wou'd be reckon'd more his Wife's than his own. Upon this he made no Secret of his Amour and his Distemper; his Wife and all the Family knew for what he took Physick. The Disease was in time perfectly cur'd, and not a Symptom of it remain'd.

Whether it was to prevent the Scandal and Expence of such another Adventure, or out of his Wife's Natural Inconstancy, she soon after this unlucky Accident was thus over, admitted him of her own Accord to her Bed. The ill Effects of this good Humour of hers, broke out in a little while on her side. The cruel Disease seiz'd the Fair One. How she came by it was a Mystery; if the Doctor's Word might be taken, Mr Sayer was a sound Man again: The Surgeon was ready to give his Oath to the Success of his Art, and yet such is the uncertainty of Surgery, or of Mrs. Sayer's Virtue, the good Man was forc'd with another Course of Physick to pay for the Blessing of her Embraces. He, a kind Creature, valu'd neither Pill nor Potion, if his Dear Molly wou'd but be a Wife to him. If he came in for a Share

of her Favours, he did not care what came of it, and took as much delight in taking Physick with her, as some others would have done in drinking Tea. Madam was not so soon appeas'd; her Husband bore all the blame of the late Disaster, let who will be the Cause of it; and indeed she seem'd to make no other use of him, than to lay all her Faults at his Door. Revenge is almost as sweet to such Ladies as Love, especially that Revenge which is accomplish'd by Love. She once more forbids him her Bed, and takes to it a Gentleman of the Army, who knew as well how to behave himself there like a Heroe, as at the Head of his Regiment. That the Husband came in now and then to the Relief of the Collonel, is not to be doubted; for it is certain the Lady was Prolifick, and about the Year 1703 she again made Mr Sayer a Father. For the Child's sake we must be tender how we tread on this Ground. The Innocence of the Son must not be defil'd by the Guilt of the Parents, and it wou'd be a cruel breach of Charity, not to suppose that the Father had as good a Title to him as the Heir has now to the Estate. This I am assur'd of, that presently after the Boy was Born, the Lady did not admit her Husband to her Arms, exclusive of her Gallants, and that they were often better fill'd, or better to her liking. The Crime of it being so far from imbittering the Joy, that it gave it with her the greater Relish.

So much was not to be expected from the Mother of Mrs. Sayer, who liv'd with them for the most part, as from her self. The former had not had an Education that cou'd teach Complacency; it had been rude, and her Conversation was the same to those she had no design upon; Mr. Sayer's Credit with his Wife did not encourage any one else to deal with him on the square, and a Man that lyes under such a Character, is sure to have a fine time of it in a House with Two or Three Women, who thought nothing in Nature so Contemptible as want of Vigour. We may be sure he heard of it with a Vengeance, and that as he never had a quiet Minute, but when they were asleep, or otherwise employ'd; so he was Conscious of the Occasion of it.

One may imagine what a comfortable Life he led: Here a Mother-in-Law railing in his Ears a Peal of Railery on his Insufficiency; there a Wife treating him as the Vilest Wretch upon Earth; and a Third backing them, in the most provoking manner: This last of the Fair Sex too, it might have been hop'd wou'd have given him better Quarter; for being unacquainted with the Duty of the Nuptial Sheets, it did not become her to make her self a Judge of the performance of it.

Thus was he perpetually teaz'd and persecuted by Three Women, who hated no Man in the World, but those the Laws of God and Man oblig'd them to Love and Honour. So far did their Hatred carry them, that a Challenge was contriv'd between Collonel S—— and Mr. Sayer, which, had it taken effect, wou'd at once have rid both the Marry'd Ladies of the two Incumbrances, their Husbands. Collonel S—— being in Company with Mrs. Sayer, took an opportunity to reprove her for her Infidelity to her Husband, upon which she return'd him such a Volly of ill Language, that he cou'd not forbear flinging the bottoms of a Dish of Tea at her, part of which flew in her Face. This was what the Women wanted, and to urge him to it, they artfully wrought up his Passion, till it provok'd him to that Indecency; a Man of Honour not being guarded always against the Cunning of Women. The Mother highly relented the Affront offer'd her Daughter, not for reproving her Infidelity, but for the Insolence of the Tea; and the two Wives cou'd not rest till they had screw'd up Mr. Sayer to such a pitch of Resentment, as to demand Satisfaction of the Collonel. When they had got him to agree to it, they took him while he was hot; a Challenge was immediately drawn up in Form, and it is said by Mrs. Sayer her self, and sent away to the Collonel. Time and Place of Meeting being appointed, the Two Gentlemen met, took Coach, and were driving towards *Mountain-House*: As they were on the way, Collonel S—— very Candidly and Ingenuously discours'd Mr. Sayer, on the Occasion of this Dispute, not out of any Desire to avoid the Duel, every one knowing his Spirit and Ability, but to prevent the Mischief, that in all probability wou'd come from it to his Son-in-Law, and consequently to himself; which wou'd have been too much Pleasure to their Wives for them to gratifie 'em in it.

When

When Mr. Sayer was brought into Temper, which was no hard matter to effect, Son Sayer, said he, or to this effect, *Let us come to a Right Understanding of this Business; 'Tis very well known I'm a Swords-man, and I shou'd be far from getting any Honour by Killing you; But come closer to the Point in hand.* Jack Sayer, *Thou shou'dst know, For all the World knows, thy Wife and my Wife are Two——— They want to be rid of us both at once. If thou shou'dst drop, they'l have me hang'd for't afterwards.* This Discourse, so full of Truth and Reason, open'd Mr. Sayer's Eyes: The Coach drove back again, and the Collonel and his Son-in-Law parted very good Friends, to the great Mortification and Disappointment of their Spouses.

Whores

Mrs. Sayer all this while carry'd Matters very swimmingly: The Country is the Scene of Love: The Meads and Groves Inspire Pleasure and Joy; and 'tis no wonder a Lady of so Amorous a Complexion shou'd take care to furnish her self with a Gallant there as well as in Town. I wish with all my Heart she had chosen another Person to work upon with her Charms: All Men are too sensible of their Power, and none are defence against it, without Divine Assistance. The most Pious have had their Slips and their Tumbles, and the Parson of *Biddlestern* is not singular in the Lover's Chronicle. How often has there been an Intrigue in a little Country Ale-House, and many a Sweet Night been spent over a Brown-Jug, and a Brand in the Chimney?

There's much good Love without a Feather-bed, said Dryden. And the homely Hut, like a homely Dish, if it be clean, whets the Appetite. I desire the Reader to take Notice, that this is not so much a Digression as he may think it, but I have too great a Veneration for the Gown, to lay Stains on it, tho' on the Back of an Offender. I must, however, let him know it was observ'd by all the Servants in Mr. Sayer's Family, that the Parson's Word went farther than their Master's, and I doubt not, there are some Men so apt to think evil of others, that this Rural Recto'r will not be clear from Suspicion. It happen'd he a little while after came to London, fell ill of the *Small Pox*, and dy'd of it: Which was no great Loss, either to *Biddlestern*, or my Lady, there being enough ready to supply his Place. When he was upon his Death-bed, he sent to Mr. Sayer, desiring, upon the Request of a dying Man, that he wou'd come to him. There was some Uneasiness on his Mind, which he wou'd fain have discharg'd on that Gentleman. The Wife, who had a good Scent, smelt the Matter, and wou'd not let her Husband go; for, truly her Mother had not had the *Small Pox*, and if Mr. Sayer went to him, the Family wou'd be undone, her Mother wou'd surely have 'em. The well-natur'd Creature stay'd at Home, and the Parson dy'd without seeing him. But she, all the while he was ill, suffer'd her Footman to go to and fro to the sick Man; which will seem to the Censorious, to be as bad as if the Husband had gone, and as catching for her Mother, this Footman carrying and bringing Messages from the Parson to the Mother, and from the Mother to him. Mrs. Sayer did not believe he was immortal, and so was not much surpris'd, or griev'd at his Death. The World's wide, and there's always Room enough for Choice in it.

We come now to that Part of this Tragedy, which introduces Mr. Noble on the Stage: He was the Son of one Noble of Bath, who kept a Coffee-house, which was well frequented: As his Parents were People of some Substance for their Condition, they had given him a liberal Education at School, and with an Attorney. There was a small Estate of 60*l.* a Year in the Family: Whether it wou'd have come to him, or was in it self a valuable Inheritance makes not much to our present Purpose. This I take to be the best Light he can be set in, 'till he fell into the Acquaintance of Mrs. Sayer. I have heard that his Attorney's Business before was of an inferior Kind. He was innocently recommended to Mr. Sayer's, by a Gentleman, Col. S——, who wish'd them both very well, and cou'd not have believ'd Noble wou'd have acted so ungrateful and inhospitable a Part. It was very early in his Acquaintance with the Women of this History, that he had too large a Share of their good Graces, especially Mrs. Sayer's. I am not so fond of the Tale, as to enlarge on the Gallantry of it, or I might display several Scenes, that wou'd make a Thousand Lovers envy Noble's Fortune, 'till the Hour of his Imprisonment. I might paint him like *Paris* among the Three Goddesses, strike off the flowing Folds, and leave

leave him, like the *Phrygian* Shepherd, surrounded by so many Nymphs: But, as I am not willing to warm my own, or any one's Imagination, so I shall be careful not to give Way in the least to Fancy, nor mingle any of the Beauties of Fiction with the Truth of History, which would perhaps warrant me to say more than I have a Mind to.

The Two Wives thought of other Things, as well as Gallantry; and finding *Noble* was a Fellow fit for Business, as well as Love, they form'd together a Project to possess themselves of a good Part of Mr. *Sayer's* Estate. To bring him to this, they on one Hand play the Batteries of hard Words and sour Looks, and he fast him with the softer Engines of Persuasion. Mr. *Sayer*, to purchase at any Rate his Quiet, consented at last, in the Year 1709, to execute a Deed of Separation; wherein he made over several Lands in *Biddleston*, of 150*l.* per Annum, in Trust for his Wife, besides the 50*l.* a Year Pin-money, for her separate Maintenance: And in this Deed, was a Covenant, or Clause, 'That by the Consent of Mrs. *Salisbury*, first signify'd under her Hand, it might be lawful, at least, if the Law cou'd make it so, for Mrs. *Sayer* to live how, where, and with what Man she pleas'd, Mr. *Sayer* covenanting not to sue or molest any Person for harbouring her.

This extraordinary Clause having the Sanction of the Mother's and Husband's Consent, Mr. *Noble*, who is not charg'd with any great Skill in Divinity, or Cases of Conscience, doubtless, thought it gave him as good a Right to her as her Husband had. Here's a very formal Instrument to make a lawless Act Law: And how those poor Wretches cou'd be so deluded, is not easily conceiv'd. All we can make of it is, There was a small Excuse wanted, and since there wou'd have been the same Liberty taken, whether the Clause had been in or not, it cou'd do no Harm, if it did no Good; and Mr. *Sayer* knew so well before that he was a Cuckold, it was not the weakest Thing he ever did, to confirm his Cuckoldom by a Covenant.

Not long after this, the Clause discover'd it self in a Child born, in Pursuance of the Covenant; Mr. *Sayer* having hardly been within a Pair of Sheets with Madam, since the Birth of his Son and Heir. That the Incident of the *Brat* might not make too much Noise, a Letter was contriv'd, and sent to Mr. *Sayer*, in August, 1710, intimating that he was prick'd down for Sheriff of *Bucks.* Mrs. *Salisbury*, the Mother, to get him out of the Way, offer'd to supply him with Money; and the poor Man frighted with Sheriffdom on one Hand, and flatter'd with Gold on the other, gets over to *Holland*, promising to stay there 'till the next Lady Day.

Upon his going away, Mr. *Noble* takes on him more than ever. He oblig'd the Trustees nominated in the Marriage Articles, to relinquish, and assumes the Authority of a sole Trustee. This was pursuant to an Order of the Court of Chancery, in a Cause there depending between Mr. *Sayer*, his Wife, and her Sister, Plaintiffs, and Col. S——, his Wife, *Mary Salisbury*, Defendants, and Mr. *Noble* Solicitor.

The latter, before the Clause was verifi'd, made but an ill Use of the kind Entertainment he met with at *Biddleston*; and it has been shrewdly suspected, that he had a warm Bed-fellow when the Master of the House was forc'd to freeze in his lonely Sheets. Content is a wonderful Thing, and one can hardly forbear envying the Philosophy of a Man who cou'd rest comfortably by himself, when he knew another Man was a-Bed with his Wife. If he did not, the Servants did, and that himself was also very well satisfy'd of it was not question'd among them. It was sworn, that Mr. *Noble* was seen to go to Bed to Mrs. *Sayer*; and if it had not been sworn, I believe my Word wou'd have been taken for it.

The 23d of May, 1711, Mrs. *Sayer* went away absolutely from her Husband, and carry'd off with her in Exchequer-Bills, Tallies, and other Effects, to the Value of 2000*l.* Her Lodgings were private, but Mr. *Noble* had at all Times, and at all Hours, free Access. In February, 1711, she was deliver'd of a Son, by Dr. *Douglas*. Upon this Elopement Mr. *Sayer* put her in the publick Papers, and offer'd a Reward to take her; which had no Effect: And had she been so kind as to have left the 2000*l.* behind her, what else she carry'd away, wou'd hardly have been worth the Charge of the Advertisements.

The Reader is not to conclude, that all this Happiness was reserv'd entirely for Mr. Noble. He liv'd well upon it; which was enough for him. His Pockets were full of Money; and as he was Tenant at Will, it was Wisdom in him to make as much of his Landlady as he cou'd, and to let her have her Way. She was fond of him by her Actions, but by her Words one wou'd have thought she valu'd him no more than what she usually call'd him, *Puppy*. When she went from Town to Country, or Country to Town, he was generally one of her Equipage, and it was no Secret to the whole Road, between London and her House, what Business Noble had at *Biddleston*.

In *Michaelmas* Term, 1711, Mr. Noble being the Attorney in the Cause, Mr. Sayer was taken in Execution for 400*l*. at the Suit of the Trustee (but without his Privity) in Trust for Mrs. Salisbury. This was for a Judgment confess'd by him for Form-sake, to protect his Goods from his Creditors, while he was in *Holland*. Mr. Sayer turn'd himself over to the *Fleet*; and being a Prisoner there, Opportunity was taken to deliver Ejectments in *Hilary* Term following; and in *February*, the same Year, Mr. Sayer exhibited his Bill in Chancery, for Relief against these Suits, and the Deed of Separation which he obtain'd. An Injunction and several insufficient Answers were put in; but before the same were refer'd, the ungrateful and inhospitable Noble completed the Measure of his Crimes, and finish'd the Suit with his Death.

We have seen how Noble has got Possession of Mr. Sayer's Wife, Money, Jewels, Person, and Estate. What cou'd he think wou'd be the End of such Ingratitude and Injustice, but the Righteous Judgment of Heaven, which has overtaken him? His Suits with this poor Gentleman were the main of his Business as an Attorney, not that he wanted Qualifications to recommend him to a larger share of it. He had a Stock of Sense, and had he preserv'd his Character from the Indelible Stain of this the foulest of Actions, the Man wou'd have won a fair Reputation, and his Conversation been far from Contemprible. His Chambers were in *New Inn*; and there in *Michaelmas* Term 1712. upon Oath of Mrs. Sayer's Adultery with him, and of her Elopement, he was Arretted in an Action of 500*l*. with a Judge's Order for Bail. Of this Matter, more will be said in *Farrington* the Bailiff's Deposition.

There are a hundred little Stories and Circumstances relating to this wicked and tragical Intrigue, and the Persons who have surviv'd it, and as many which have come to my Knowledge, but I am Cautious of making mention of any that have not been sworn to, there being no Infamy so flagrant, as shall tempt me to add to it by Falsities, as probably might be ignorantly done in taking Things by Hearsay. I have also avoided naming of many Names that might have well come into this Story, confining my self to those that are immediately concern'd it, some of which are too Worthy to receive any Injury by it, and others too bad to suffer any Shame.

The Execution Noble had su'd Mr. Sayer to, was the Occasion of his lying in the *Fleet* so long; and all that while was he cruelly Persecuted by his faithless Wife and her Creatures. The Money she ran away with, wou'd have clear'd him of all his Debts; but as if it was not enough to have made him miserable while she liv'd with him, she it seem'd, resolv'd that his Misery shou'd have no end but with his Life. This made him very Industrious to come at her. His Friends were diligent in their search, knowing that if he cou'd get the Possession of her, some of his Effects wou'd be sav'd, for they were not all Embezled; and it was hard that she shou'd with his own Money, enable the Adulterer to keep him still in Prison. I shall now proceed to the manner of Mr. Sayer's Apprehending his Wife, with all the ensuing Circumstances, from the time of taking her, to that of Noble's Conviction.

After much Inquiry, a Friend of Mr. Sayer's found out that Mrs. Sayer had retir'd into the *Min*, they being all of 'em, the Wife, the Mother, and the Gallant, afraid of the Husband's Pursuit, and thought that Place wou'd be a Security. So low did this

this Lady descend to associate with Bankrupts and Beggars, purely to defend herself from the kind Prosecution of her Husband, who, it is thought, wou'd have been glad to have taken her again with all her Faults. For Unchaste and Cruel as she was, he still lov'd her, he still talk'd of her with Tenderness; and in the Prison in which she had thrown him, he never dropt a Word concerning her, as a Wife, that might not have come from the Mouth of a Lover.

When his Friends had certain Information where she was, on Thursday Morning, the 29th of January, 1712. Mr. Sayer got a Warrant from a Justice of Peace to take up his Wife, she being gone from him, and living in a loose disorderly manner. The Managers of this Affair, took him along with them in a Coach to the Mint, where the Warrant was put into the Hands of Two Constables, with about half a dozen Assistants. At three a Clock in the Afternoon, they repair'd with it to the House of Joseph Twysford, in George-Street in the Mint, the same Man who formerly kept the Bear Tavern in the Strand. The Constables made him sensible before they came in, that they were Constables, and had a Warrant to search for a suspected Person. A very necessary Caution to prevent the Cry of an Arrest, which wou'd have hinder'd the Execution of the Warrant, by raising the Mob of the Place, always ready to vindicate their pretended Privilege. Mr. Sayer went in Person with the Constables to Twysford's House, where Mr. Noble, Mrs. Sayer, and Mrs. Salusbury, were at Dinner in the Back-Room. I refer the Reader to the Prosecution and the Depositions, for a full Account of what pass'd in Twysford's House, and of Noble's perpetrating the Horrid and Bloody Fact, for which he is in a few Days to dye. The Constables had no Warrant for Noble, and some of the Managers told me, if he had gone away peaceably, no Body wou'd have offer'd to have stop'd him: But the Hand of Heaven was heavy upon him; and the Hour come that was to give the World a Terrible Instance, in him, of the Shameful End of such harden'd Adultery.

After the Murder was committed in the manner related in the Depositions, Mr. Noble, Mrs. Sayer, and Mrs. Salusbury, were all Three taken Prisoners by the Constables; and as they were carrying along the Mint, the Two Ladies were particularly very unruly, crying out on the hard Fate of their Dear Mr. Noble. A Gentleman, who was a Spectator of this Event, seeing the Multitude began to be mov'd a little, bad one of the Constables Assistants advance the Bloody Sword, and carry it before them, which hinder'd the Rabble's stirring: No Creatures being so Barbarous as to interrupt the Course of Justice in a Case of Blood. However the two Women who seem'd in no Concern but for Noble, so alarm'd the Standers by, that the Constables were twice or thrice stop't by Strangers. Money enough was offer'd for his Rescue, but the Constables carried all three in safety before Ralph Hartley Esq; a Justice of the Peace, who assist'd by another Justice, took their Examination. What Reason the Clerk of one of those Justices had for the Difficulties he rais'd in the Examination of the Women, and why he was so willing to dismiss them, saying, Ladies you may go and take Care of your Things in the House, I know not. However, due Care was taken of them both. After two Hours Examination Mr. Noble was committed to the Marshalsea for the Murder of Mr. Sayer. While they were examining him, a certain Barrister at Law appearing on the behalf of the other Prisoners Mrs. Sayer and Mrs. Salusbury, their Case was debated till about Ten that Night, when they were committed till further Examination only.

On Saturday Morning the Coroner's Inquest was taken on the Deceas'd's Body, and so adjourn'd till the Tuesday afterwards; but the Corps of Mr. Sayer having been view'd by them, was removed that Night from the Mint to his Lodgings, in the Rules of the Fleet, in order to its Interment. According to Adjournment on Tuesday Morning the Jury met again, and if in this Interim any of 'em accepted any Treats or Civilities from the Prisoners in Custody, I cannot think they wou'd have appear'd on this Adjournment or else that they wou'd have been more serviceable to the Prisoners. I have indeed heard of several Artifices that were us'd to Corrupt them, and of a Common Hawker's being dress'd up like a Beau, to be of the Number of the Jurymen, but these Artifices did not succeed, and the Inquisition was taken as follows:

[Burgh

[Burgh & Vill. de Southwark, in Com. Surr.] An Inquisition indented, taken at the Parish of St. George the Martyr, within the Borough of Southwark, in the said County, the 31st Day of January 1712, before Geo. Rivers Esq; Coroner of the said Borough, on view of the Body of one John Sayer Esq; then and there lying Dead, by the Oath of Theo. Fisher, Robert Edmond, Noell Whiteing, Henry Turner, William Arnold, Francis Everest, Tho. Allen, Joseph Tomkins, ——— Cogger, Pollydore Pentyer, William Shires, Josias Green, Francis Man-norch, John Burth, William Richard, Richard Simpson, James Merry and Benjamin Turton, Good and Lawful Men of the said Borough of Southwark, who being Sworn, and charg'd to inquire for Our Sovereign Lady the Queen, when, where and after what manner the aforesaid John Sayer came to his Death, say upon their Oaths, that Richard Noble, late of the Parish of St. George the Martyr, within the Borough of Southwark, in the said County of Surrey, Gentleman (God not having before his Eyes, but being moved and seduced by the Instigation of the Devil) the 29th Day of January, in the Year aforesaid, at the Parish of St. George the Martyr, within the Borough of Southwark, in the said County, with Force and Arms, &c. in and upon the said John Sayer, in the Peace of God and of Our Sovereign Lady the Queen, then being Feloniously, Wilfully, and of his Malice before thought, did make an Assault, and that he the said Richard Noble, with a certain Sword made of Iron and Steel, of the value of One Shilling, which he the said Richard Noble, then and there had, and held in his Right Hand Drawn; the said John Sayer in and upon the Left-side of the Body of the said John Sayer, near unto his Left Pap, Feloniously, Wilfully, and of his Malice before thought, did strike and thrust in, and did then and there give unto him the said John Sayer, with the naked Sword aforesaid, one Mortal Wound, in and upon the aforesaid Left-side of the Body of the said John Sayer, near the aforesaid Left-Pap, of the said John Sayer, of the Length of half an Inch, and depth of Six Inches, of which said Mortal Wound, he the said John Sayer, did then and there instantly Die; so the Jury Men aforesaid, upon their aforesaid Oaths do say, That he the said Richard Noble, the said John Sayer in manner and form aforesaid, Feloniously, Wilfully and of his Malice before thought, did Kill and Murder, against the Peace of Our said Sovereign Lady the Queen's Majesty, Her Crown and Dignity. They find no Goods, Chattels, Lands or Tenements, to their Knowledge. In Witness, &c.

Thus on this Inquest was Noble found Guilty of Wilfull Murder, but no notice was taken in that Inquisition of the other Two Prisoners, Mrs. Sayer and Mrs. Salusbury: However the Coroner made a formal Warrant against them, as Aiding and Abetting in this Murder. On Saturday afterwards these Two Women brought their Habeas Corpus, and on the Wednesday following the Prisoners were brought to the Queen's-Bench.

Well, Oh Fair One, might'st thou be asham'd to shew that Face, which had brought her to so much Guilt and Disgrace; Well might it desire to cover it with a Mask, and hide it from the Spectators, stricken all with Horror of thy Crimes and Thee. But in vain dost thou request for so small a favour; Thou marchest along unpity'd, Thou who didst never once with Pity reflect on the Husband, whom thy wickedness had depriv'd of all the Comforts of Life, of Liberty, and at last of Life it self. Who cou'd forbear such Reflections as these, seeing the Female Prisoners, and especially the Guilty Widow in her affected Weeds come before that Judge, who holds with so much Wisdom and Applause the Scales of Justice. It was fit such a Criminal as she should be seen, shou'd be known to the whole World, that she may be avoided, and be no more a Curse to Mankind.

The

The *High Court* did her and her Mother no Service, they being committed also upon Oath before Four Justices of the Peace, for Aiding and Abetting the Murder. The Court remanded 'em back to the *Marshalsea*, where they all Three, Mr. Noble, Mrs. Sayer, and Mrs. Salubury, remain'd till the Assizes at *Kingston*, about Six Weeks afterwards.

I have heard of Prodigious Sums that were offer'd for their Bail, or Persons of Condition, who appear'd willing to enter into Recognizances, for 20000*l*. on that Occasion. But when they were well inform'd of the Fact, they were glad the Court would not admit of their laying such Obligations on Persons who so ill deserv'd it. What was their Conversation in the Prison, I know not; I would hope, if there was any room for hope, that they had better Things in their Heads than Love and Pleasure. The pains they took to bring themselves off, no doubt employ'd all their Wits; and that they had Friends to help them we may well suppose; when 1500*l*. *Southern* Stock was sold at once, to furnish them with Money, to carry on their Business. I shall spare the Name of this Benefactor for the sake of the Sex, to whom I am so well a winner, that I am sorry there were even among them any such Examples of Infidelity and Cruelty.

The following Events relating to the Tryal only, are left in the Words of the Gentleman, from whom I had my *Memoirs*, I being entirely a Stranger to the Practice and Language of Courts of Justice.

I shall only observe, that the Three Prisoners, the Lover and the two Ladies, were carried to *Kingston* with the other Prisoners from the *Marshalsea*, they having the Privilege of going in a Coach when the rest went in Waggon.

On Thursday Evening late, March 12. Richard Noble, Mary Sayer and Mary Salubury were Arraign'd for the Murder of John Sayer Esq; upon three severall Indictments, viz. One against Noble for Wilful Murder, and against Mary Sayer and Salubury as Aiding and Abetting the said Murder; one other against Noble upon the Statute of Stabbing, and the other on the Coroner's Inquest. On these Indictments the Prisoners pleaded Not Guilty. The Court set them aside, and bid them prepare for their Tryal next Morning by six.

On Friday Morning at six, the Court sat, and the Prisoners were set to the Bar, when they made several Excuses to stave off their Tryal till Afternoon, for that Mr. Bull (a very material Evidence, as suggested by the Prisoners) was not come, the Truth of this Assertion being demanded by the Court to be made out upon Oath by service of Subpœna upon Mr. Bull, the Prisoners swore Mr. Lyndsey, one of their Attorneys, who depos'd, that he fill'd up a Subpœna for serving Mr. Bull, but spoke no farther to the service of it, than that a Messenger was sent at twelve a Clock to *London* to serve it. This Device not taking, they alledg'd Mr. Page, the Counsel, another very material Evidence, was not come neither, and that he was serv'd with Subpœna, and they look'd for him every Hour. To this Point Mr. Lyndsey was examin'd again. He swore, he serv'd Mr. Page with Subpœna on Sunday last, and that he thought Mr. Page would be at this Tryal. Upon further Examination of him by the Court to this Point, the Court was pleas'd to take such Notice of Mr. Lyndsey, as to check him severely, and bid him three times depart the Court (having taken Notice of his Names) so all these Pretences failing the Court proceeded to Tryal.

The Intent of putting off the Tryal probably was, that the Business at the other Bar being dispatching at this time, the Juries return'd there, might be return'd home, so more ready to have sufficient number of Jury-men, that by their Challenges the Tryal might be put off till next Assizes.

The Queen's Council, Mr Sergeant Coker and Mr Nor, open'd the Indictments, and set forth to the Court and the Jury how heinous the Crimes of the Prisoners would appear on the Evidence. And the first Witness they call'd was Daniel Reeves who proved, that one James Hannon (an Irishman) who stands committed for this Offence till the next Assizes, on Thursday Evening before the Tryal came to him and shew'd him Copies of the Examinations taken on the Coroner's Inquest of Sam. Durham, Tho. Gardner and John Cox (three of the Queen's most material Witnesses proving the Murder) Hannon then gave him in Money half a Crown, and desired him to procure or hire two other Men to swear with him against those Examinations, and promised him two Guineas for himself, the other two Men were to share what Reeves could agree with them for, and Mr. Noble would give Reeves so large a Satisfaction than he thought of.

On Friday Evening Hannon came to him again and gave him another half Crown to spend upon Durham, Gardner and Cox, and order'd him to make what Agreement he could with them to rise and buy off their Evidence, and on Saturday Hannon would bring him part of the Money. On Sunday Hannon came to Reeves again to know what Progress he had made, invited him to Dinner on Monday, and to bring the other two Men Reeves was to hire with him, and leaving a Note in Writing under his own Hand where to find his House, viz. at No. 10. in College Street, Westminster.

On Monday Morning Hannon comes to Reeves again, gave him a Writing in Nature of an Affidavit drawn on Stamp Paper by the Prisoners, which he and the two Men he pretended he had hir'd were to swear before a Judge, and gave him nine Shillings in Money then. Whilst Hannon was tampering in this manner with Reeves, the latter intimates it to the Prosecutors Attorney, and after he had got this Affidavit from him, he excuses himself out of his Company, and carries it to this Gentleman. Reeves shuffles off dining with him, and when Hannon came to him again in the Afternoon Reeves still eggs him on with the same warmth till, about 4 in the Evening, when a Warrant was procur'd from Justice Hartley, and instead of two Persons who should have been the two that were to forswear themselves, two Constables appear'd; whereupon Reeves told Hannon, These are my two Friends. Hannon embrac'd 'em very civilly, and the third Constable coming up, according to Order, Reeves immediately seiz'd Hannon's Sword, and askt the Constable, You charge me with this Gentleman? They took him directly before Justice Lade, where, upon Examination, he deny'd the Fact, but what he did in relation to the Money he hop'd to justify, because the Prisoners Council told him he could. Hannon was kept in Custody all that Night, and committed, for want of Bail, to the Marshalsea next Morning. The Words of this Affidavit follow, viz.

On Friday Morning at 12 the Court sat, and the Prisoners were set to the Bar, when they made their Plea, and the Court order'd them to be kept in Custody till the next Assizes.

George Smith and Samuel Shipman, both of the Parish of St. Buttolph, Housekeepers, and Daniel Reeves of the Parish of St. George's Southwark, also Housekeeper, make Oath, That on or about the 29th Day of January last, these Deponents saw Mr Cox and Mr Hill, the Constables, with several other Persons in Company of Mr Sayer the deceased, go from Mr Sherlock's House in Queen Street in the Mint, a Brandy Shop, to one Mr Twyford's House, wherein they enter'd; and on their being ask'd what their Business was, refus'd to tell: And these Deponents heard the deceased Mr Sayer (as he went into the said Twyford's House) threaten or say, that he would be reveng'd on that Villain Noble, and on his Wife, and that he would kill them then, or be kill'd: And these Deponents saw the deceased go up Stairs and come down again, leaving both the Constables above Stairs, and on his coming to the Parlour Door (where Mr Noble was) drew his Sword partly out, and said, Damn you Villain, now I have found you, and instantly pull'd very hard at the said Door, and broke off the Bolt that was within side of the said Door, and thereupon the Deceased, after his Sword was almost wholly drawn out, stept backwards, and in about a Minute went to go down the two Steps into the Parlour, and seem'd to be push'd down, and then some said he was in a Fit, and fetch'd him Water. But these Deponents say, that tho' these Deponents stood very near the Deceased, yet could not see, nor do they believe that any other Person (considering the Situation of the Place, and the little Door being but part open) could see who gave the said Wound. And these Deponents further say, they know Samuel Durham to be a Poor Necessitous Taylor in the Mint, of a most Infamous Character, and are certain he was not in the said House till after the Deceased was wound-

ed; and the Sword which James Terry (the Deceas'd's Footman) and others then present said gave the said Wound, was taken up in the Kitchen, and further say that before the Deceas'd broke open the said Door, they saw the said Terry with a Cane in one Hand, and a Brass hilted Sword undrawn in his other Hand. And lastly, these Deponents heard the said Terry abuse the said Mrs. Sayer, giving her very bad Words; he also told her, that rather than fail he would offer his Service to the Sheriffs to hang her, and that he would soon see the end of her; and she answer'd, Sirrah, its hard to be abused by the Master and the Man too. And these Deponents being in the Room when the Deceas'd fell down, heard the said Mrs. Sayer say no other Words, but believe they should, if she had said any.

It will presently be perceiv'd, that if Cannon could have got some bold Witnesses to have sworn all this, which he labour'd so do, Noble might have came off much better than now he is like to do.

Facts preceding the Murder, prov'd by the following Deponents.

[John Farrington] That he is Bailiff to the Sheriffs of Middlesex, and had a Warrant deliver'd him, in November last at the Deceas'd's Suit against the Prisoner Noble. He arrested Noble in his Chambers, and when he was arrested Noble declared and said, God damn him, if he had Mr Sayer the Plaintiff there, he would stick his Sword through his Body, and he would do it whenever he met him next. But when he arrested Noble he was Sick, and the Deceas'd, the Plaintiff, order'd the Witness not to take him out of his Chambers, but to use him civilly.

[Jeremy Barnard] depos'd, He was summoned to Kingston Assize on the Jury upon Life and Death, and that one Luke Jones carrying Mr. Stagg an Attorney, by Water on Friday the 6th. of March, and telling him Jerry was summoned on this Jury, Mr. Stagg order'd him to tell Barnard, if he was not got off Stagg could help him to 20l. Jones askt on what Account; Stagg made Answer, If he would bring in the Gentleman that kill'd the Man in the Mint not Guilty, they having 1000l. and upwards, and would spend it all on the Jury to save his Life, for it lay in the Breast of the Jury only, because they had been with the Queen to get a Pardon, but could get none.

Mr. Jones was call'd next, and prov'd the same. Then the Tipstaff was sent for Mr. Stagg, but he could not be found, so a Summons was order'd to be taken out against him to appear before my Lord C. J. in London. These ill Practices being discover'd to the Court, the Jury summoned on this Tryal were set aside, and a Jury call'd from the Nisi Prius Bar. Each Jury Man call'd was sworn to his Freehold and Copyhold, and whether they were not wrote or apply'd to on behalf of the Prisoners at the Bar, then the three Prisoners challeng'd Peremptorily to their Number of 75, viz. Mrs. Noble challeng'd 20, Mrs. Salisbury 20, and Mrs. Sayer 35 as indicted for Pettit Treason. After this Number challeng'd upon the Oaths administered, two appear'd to have been apply'd to on behalf of the Prisoners, and were set aside by the Court. The Jury being sworn, the Witnesses for the Queen were called.

[Justice Peters] That in 1709 a Duel was stirr'd up by the Contrivance of Mrs. Salisbury and Mrs. Sayer between their two Husbands, the Deceas'd and Colonel Salisbury, and the Challenge sent by Mr. Sayer, but when they met upon it, the Colonel very readily told his Son Sayer, that the Design of this was only that their two bad Wives might be at once both rid of their Husbands, viz. That the Colonel being a Sword-man, might kill Sayer, and afterwards be hang'd for it.

[Johannet May] That in August 1710, After Noble's Acquaintance with Mrs. Sayer, the Deceas'd went into Holland and return'd about Lady day, during which time Mrs. Sayer was big with Child, and her Mother and Mrs. N. were privy to it. And during Mr. Sayer's Absence, the Witness several times saw the two Prisoners Noble and Sayer in Bed together. Her Mistress (Mrs. Sayer) desir'd her to give her Master some Poyson, and if this Witness would, her Mistress would get it her.

Revil

[Pen,

[*John Hope their Servant*] That she was sent by the Prisoners for two Penny-worth of Laudinum to make the Deceased sleep, and bringing Word from the Apothecary that quantity was enough to make any Body sleep their last Sleep, the three Prisoners interrupted her, and bid her hold Tongue a Slut, but give the whole Dose to her Master and say nothing to him.

[*Anne Sayer the Midwife*] That Mrs. Sayer after her Departure or Elopement (which was in May 1711) was about October in the same Year delivered of a Male Child by Dr. Douglass, she paid for a Widow, and Noble and she for Brother and Sister. This Child was Nurs'd at Hoxton and died and was buried there in a little while. That Mrs. Sayer was deliver'd with a large Patch on one side her Face and the other side of her Face lay on the Pillar.

[*Mr. Marten in Hatton Garden*] That in 1710, Noble took Lodgings for himself (by the Name of Newman) and Mrs. Sayer. That this Witness saw such familiar Passages between these two Prisoners, he took them to be Man and Wife, and supposed some Reason extraordinary why they conceal'd themselves by the Name of Brother and Sister, and Mrs. Sayer pass for a Widow. That Mrs. Sayer was deliver'd of a Child at his House, it was very much resembling Noble, and Noble fond of it.

[*James Terry*] That when his Master went into Holland, this Witness heard him say, he went there to avoid being High Sheriff for Bucks, and Mrs. Sayer gave his Master room with a Privile to stay there four Months.

Facts proving the Murder.
[*Francis Cox*] That he is one of the Constables of the Parish of St. George the Martyr in the Borough of Southwark, That on the 29th of January last, the Deceased John Sayer Esq; with two other Gentlemen, came to his House with a Warrant from Sir Charles Cox, for taking into Custody the Body of Mary Sayer, his Wife, who Mr Sayer said was gone from him without his Consent: That as he went to execute this Warrant, he call'd one Thomas Hill, another Constable, to assist him. After which they went into the Mint, and this Witness being inform'd by Mr Sayer, that he believed his Wife was at one Tynford's House in George-street in the Mint, this Witness having found out Tynford's House, he knock'd at the Door, and Tynford come but refus'd opening his Door at first, till the said Mr. Cox told him he was a Constable, had a Warrant, and was come to search for a suspected Person in his House; and that he would not hurt a Hair of his Head. Tynford open'd 'em the Door, the Constables beckon'd to their Assistants, and they all went in, Mr Sayer running after 'em. The two Constables and Mr Sayer went up Stairs, and there the Deceased said, He saw some of his Wife's Cloaths, and then said he believed she was in the House. And whilst this Witness went into the other little Room, Mr Sayer and the other Constable were gone down Stairs; and before this Witness got down, he heard a great Noise and Screaming out in a Room below, whereupon making great haste down, the other Constable and several others cry'd out to him Mr Sayer is dead, and the Gentleman that kill'd him was breaking out backwards to make his escape; whereupon this Witness went round the House into the Garden to secure him, where he found a naked Sword in the Hand of Mr Sayer's Footman bloody, 8 or 9 inches; and Mr Noble, Mrs. Sayer and Salisbury being in the Room together, he apprehended 'em all three and carry'd them before Ralph Harthy Esq; Justice of Peace.

[*Thomas Hill*] the other Constable, spoke to the same purpose, of his going with a Warrant to Tynford's House; that Mr Sayer went down first and he follow'd him; that at the foot of the Stairs, there being a Door leading into the back Room, Mr Sayer laid hold on the Door and pull'd it open, and immediately the Deceased fell a little back and laid his hand on his own Sword, but did not draw it above a foot

for want of Strength. This Witness pushing into the Room before Mr Sayer, Mrs. Salisbury fasten'd on his Collar, and endeavour'd with all her Might to keep him out of the Room, and as soon as he had got in Mr Sayer followed immediately, fell down and never spoke more. There were only Mr Noble, Mrs Sayer and Mrs Salisbury in the Room, and Noble was breaking the Glass Door to make his escape. The Deceas'd being on the Ground the Witness thought him in a Fit only, and Mrs. Sayer said, *'Twas only a Sham, and he was not hurt*; but he presently saw a Wound on Mr Sayer's Left Side, whereof he presently dy'd, and believes Noble gave the Wound with his own Sword, which was bloody, and no other Sword drawn all the time. Mrs. Sayer desired him to be civil to Mr Noble, whom he had then apprehended, but she took no Care of her Husband.

Samuel Durham standing at his own Door in the Mint, and seeing a Constable and several Persons in the Street, thought 'em going to search for stol'n Goods, and followed them into Twysford's House. As soon as they enter'd, Mr Sayer and several others went up Stairs, but this Witness stay'd below. Mr Sayer laid his Hands on the Door at the foot of the Stairs that went into the Parlour, to pull it open, and as the Door was about a Hands breadth open, he saw Noble in Grey Cloaths with a drawn Sword in his Hand push against the Deceas'd, who immediately fell back into his Man's Arms just behind; the Sword dropt to the Ground, and the Deceas'd's Man took it up and ran with it into the Garden. This Witness saw Mrs. Sayer and Mrs Salisbury in the Room with Noble, and saying, *he believed the Gentleman was kill'd, or wounded at the least*, Mrs Sayer reply'd, *he only sham'd it, and was in one of his Sham Fits*; and the Footman crying out, *my Master is kill'd*, Mrs. Sayer said to him, *You Rogue, I'll be reveng'd of you*; or such Words.

James Terry, Servant to the Deceas'd about 8 Years, staying below in the Kitchen, Mr Sayer came down first, and laid his Hand on the top of the Door at the Stair-foot going into the Parlour, and endeavour'd to pull it open; but as soon as it was a little way open, he saw a naked Sword come through against his Master's Body, and his Master immediately fell back into this Witness's Arms, and clapping his Hand to his Left Side said, *I am Dead, or kill'd, or such like Words*. The Sword was left in his Master's Body, and fell on the Ground, and verily believes his Master then received a Wound on the Left Side of his Body, of which he instantly dy'd. The Witness took up the Sword which had a Mourning Hilt, and seeing Twysford to go round into the Garden follow'd him, where he heard the Glass Window break, and saw the Back Door open, Mrs. Sayer in the Garden, Mrs. Salisbury standing on the Door Step, and his Master lying on the Ground: He said to his Mistress, *Lord, Madam! What have you done? My Master is Dead, you have kill'd him?* His Mistress told him, *Ah, you Rogue, I'll be reveng'd of you too*. Afterwards he saw the Wound on his Master's Left Side near the Left Pap, which he saw probed, and was 4 or 5 Inches deep. This Witness further depos'd, that his Master had no Sword drawn at the time he received the Wound, nor afterwards, and that no Words had pass'd between him and the Party that gave the Wound.

After this Witness had given his Evidence for the Queen, the Prisoners ask'd him several Questions relating to his Master's loose living in Holland, and if he had not got the foul Dis ease there; but the Witness upon his Oath said, *he did not know that his Master had that Distemper, or that he liv'd loosely whilst in Holland*. They likewise charg'd this Witness with having a Snuff Box presented him whilst in Holland by some of the Deceas'd's Whores, but the Witness deny'd it, and said *he bought that Box and gave 3 s. 6 d. for it; nor did he know his Master kept Company there with any Woman*.

[Tho. Gardner, Constable's Assistant] That there being a Door at the foot of the Stairs, he saw Mr. Sayer lay his Hand on the Door and endeavour to pull it open; as the Door was a little open, he saw Noble in Grey-Cloaths, within the Room, with a naked Sword in his Hand, thrust at the Deceas'd through the open part of the Door, and give him a Wound on the Left side his Body; and Mr. Sayer had no Sword drawn, neither did any Words pass between the Deceas'd and him

him that gave the Wound; but the Deceas'd afterwards endeavour'd to draw his own Sword, then by his side in the Scabbard, but cou'd not pull it above half way out, for want of Strength, and immediately fell down, and as he was falling down, the Witness heard Mrs. Sayer say, That the Deceas'd *had a great many Sham-Fits, and that was one of 'em, or such like Words*; and when the Constables were taking the Prisoners away, Mrs. Sayer ask'd Noble, *My Dear, have you got my Watch?* He answer'd, *My Dear, I have it in my Pocket.*

[*John Coe, Hills's Servant.*] That he perceiving the Mistress of the House to stand with her Back against a Door at the Foot of the Stairs, he told Mr. Sayer of it; upon which the Deceas'd came down Stairs, and this Witness coming after him, he saw Mr. Sayer bow his Body, and believes the Wound was then given him, and afterwards the Witness and his Master going into the Room, he saw Mr. Sayer lay himself down, but did not speak one Word, he only saw the Three Prisoners in the Room, when he came in, and Mrs. Salusbury laid her Hands upon the Throats of this Witness and his Master, and endeavour'd with all her Might to keep 'em out of the Room, and the Deceas'd lying on the Ground, Mrs. Sayer said, *Hang him, 'twas only one of his Sham-Fits. for he us'd to have such*; and the Witness being in the Room with Mrs. Sayer, at Justice Hartley's House, he heard an Antient Gentlewoman belonging to the House say to Mrs. Sayer, Madam, *I hear you have 200 l. per Ann.* Mrs. Sayer reply'd, in a bold and undaunted manner, *Yes, that I have 400 l. now he is Dead—*

[*Elizabeth, Wife of John Jennaway.*] She lives near Twyford's House, and saw several Persons enter therein, and the Deceas'd stood peeping at a distance, and on some Signal saw the Deceas'd run with the Constables into the House, the Witness thinking something more than ordinary was to be done, ran into the House after 'em, and saw the Deceas'd drop down just as he came in, and going into the Room where the Prisoners were, she laid her Hand upon Mrs. Sayer's Arm, and said to her, *That the Gentleman then upon the Floor was a Dead Man*; Mrs. Sayer reply'd, *No, he only shams it, Raise the Mint, Call the Mint, and a Fellow came behind 'em with a great Club.*

[*Tim. Mumford, Assistant.*] This Witness coming down Stairs in Twyford's House, heard a Shreaking of Women, and the Deceas'd going down first, and having open'd the Door, where the Prisoners were, he saw Noble through the opening of the Door (being about Nine Inches wide) and soon after the Deceas'd drop'd down, and Hill and Coe entering the Room were Collar'd, and kept back by Mrs. Salusbury, until the Witness press'd 'em both in. During this while Noble push'd against the Back-Door, going into the Garden, and broke the Glasses, and while the Deceas'd lay on the Ground the Prisoner, his Wife, told him *he only sham'd it; she had seen abundance of these Fits, and the Constables and Assistants carrying Noble before the Justice, Mrs. Sayer desir'd 'em not to hurt Mr. Noble, and when the Three Prisoners were under Examination before Justice Hartley, as Noble was going into the Coach on his Mitimus to the Marshalsea, Mrs. Sayer look'd out at the Window, and he heard her Cry, and said, My Dear, my Pretious, my Jewel, Oh my Dear! He will be Mobb'd, he'll be Murder'd by the Mob this Night.*

[*Mary Wife of Robert Keyle.*] Going into Twyford's House (hearing the Constable say there was Murder) she saw the Deceas'd sitting expiring, near the Back Door of the Inner-Room, and seeing Noble in Custody of the Constables, and Salusbury and Sayer following after also in Custody, the Prisoner Sayer then dress'd in Blue-Cloaths, made up to and laid hold of Noble, going along George-street, pull'd him back, and said, *My Dear, don't consent to go along with 'em, for you have done no harm.*

[*Mr. Minshall.*] That he and the Deceas'd, the Morning he was kill'd, got a Warrant from Sir Charles Cox, Justice of Peace for Surrey; the Contents were for Apprehending Mrs. Mary Sayer, the Deceas'd's Wife being gone from the Deceas'd her Husband, and living from him in a loose disorderly manner, or to such purpose, to his Remembrance; that the Deceas'd, before taking his Wife, express'd a great deal of Love towards her, and Satisfaction in retaking her; but was
mid very

very uneasy about Mr. Noble's usage of him. The Deceas'd said in his Company he had challeng'd Noble, but he wou'd not Fight, so he cou'd not propose Satisfaction to himself on the Prisoner, because he wou'd not Fight him fairly; and the Deceas'd said, *He shou'd have no Satisfaction to kill him privately*; The Deceas'd met Mr. Noble Two or Three Nights before he was kill'd in Bell-Yard.

The Prisoner, Noble, shew'd him a Warrant, and demanded of him, whether that was not the Warrant, the Witness said He had not seen the Warrant since the Prisoners were apprehended and carried before Justice Hartley, but did believe it might be the same. The Warrant was read, and the Contents were to the same purpose.

[Captain Alkern and Mr. Anthony Sherlock] That after the Murder, Twysford (the Man of the House) told them several times in Discourse, that when the Constables came into the House, he ran round to the Back Door in the Garden, and told Mr. Noble the Constables were come, and either wanted him or himself, and Noble might go away if he pleased, but the Prisoner Noble instead of that, pull'd too the Back Door, shut himself in, and bolted the other Door where the Deceas'd was kill'd.

Thus far you have the Evidence for the Queen, and thus far I give you the Words of the Person that furnish'd me with the Heads of these Facts. What follows will be so much of my own, that that Gentleman is to be excus'd if I do not set his Facts off to the best Advantage. It must not be forgot, that Mr Noble objected to the Bailiff Farrington's Evidence for the Queen, saying, *he swore maliciously*, because when Noble was under Arrest, he extorted Ten Guineas, and for that the next Term the Prisoner Noble mov'd the Court, and made him refund.

When the Defendant was arrested, he was held to 500 l. Bail by order of Judge Powel, and Mr M—— was Bail for him; but Farrington required another, and was prevail'd upon to put in as a Third Person one of his own Followers. This was some Civility, and 'twas not very handsome for Mr Noble to make the Bailiff refund the whole.

This Action was brought by the Deceas'd against the Prisoner Noble, for lying with the other Prisoner Mrs. Sayer, his Wife, and the Judges Order for 500 l. Bail was found upon Affidavits made to that purpose.

The Bailiff, who is at best but a rude Fellow, had aggravated the Prisoner's Guilt by giving out, that when he had him under Arrest, Noble said, *He wou'd send Sayer out of the World the first Opportunity*; the good Man Farrington cou'd not help replying, *You have had much of his Goods, and lain with his Wife, why shou'd you do so?* Noble answer'd, *D——n him he wou'd.*

The Witnesses for the Queen being all examin'd, the Prisoner Noble made a long Defence for himself. He had given the Court abundance of Trouble, the reason has been before noted, and when it came to his Turn to plead his own Cause, and that of the other two Prisoners Mrs. Sayer and Mrs. Salisbury, he did it like a Man who deserv'd a better One. He said, 'The deceased Mr Sayer us'd his Lady most barbarously; that he beat her, call'd her Names, and gave her the foul Disease. He aggravated his Carriage to her in the most provoking manner he could, saying, he wou'd make out the Truth of his Assertions by Proofs. He set forth the Deed of Separation, and the Marriage Articles; arguing, that upon those Deeds he did not question the Prisoner Mrs. Sayer would be thought a Person *sole* and apart from the Deceas'd at the time of his Death: That Mr Sayer could not pretend his Widow had rob'd him, and run away with his Jewels, &c. She having a Right to 'em, they being reserv'd her by her Marriage Articles: That the Deceas'd could have no Pretence to retake either them or his Wife; for as to her she was lawfully separated, or if she was not in Law separated, she was forc'd to go from him on account of his ill Usage of her. He justify'd his being in Mrs. Sayers Company as her Attorney and Trustee: That he was then with her about Business in Private, when an extraordinary Noise and Confusion of a Croud of People in the House, together with the Deceas'd's breaking open the Door, pulling off the Bolt and one Hinge of it, surpriz'd him and the Prisoners: That they all retir'd to the Back Door

Door, which not being able to get open, and a further Terror and Confusion, arising from such a desperate Place as the *Mint*, seizing them, the Prisoner *Noble* stab'd the Deceas'd. He own'd he knew before-hand Mr *Sayer* was in the House; That indeed is True, said he, and he did not at all doubt of justifying what he had done, even with all those dangerous Circumstances; the rather, for that the Deceas'd came with a Warrant so very ill grounded, and he knew he fought for his Life, he having before drawn his Sword on him, and brought a Pistol to his Chambers on purpose to shoot him. He set forth how he was recommended to Mr *Sayer*'s Business; his Management of Hers as her Attorney and Trustee: That he had often endeavour'd and sollicit'd an Accommodation; that the Articles of Separation were before he was employ'd as an Attorney. He insist'd, that in the Course of his Endeavour for a Reconciliation, Mrs. *Salisbury* had engag'd him to go over to Mrs. *Sayer* her Daughter that very Day to sollicite it.

This is the substance of what he urg'd in his Defence, which carries its own Insufficiency with it. The Prisoners then call'd their Witnesses, and prov'd the executing the Marriage Articles and Deed of Separation. It was observable, that there were Crouds of People whom they had engag'd to be there, on purpose to make a Hurry and embarrass the Court. Some have thought between 2 and 300 Persons, and their Witnesses were mostly such as either were not known, or if known, not much to their Reputation. The Substance of their first Witness's Evidence was:

That the Deceas'd some time ago broke open the Door upon the Prisoner Mrs. *Sayer*, to kill her with his Penknife: That this Witness was privy and acquainted with Mrs. *Sayer* during *Noble*'s Conversation with her, and never knew her to be with Child, or that she seem'd bigger than usual: That the Prisoner Mrs. *Sayer*, before her Acquaintance with the Prisoner Mr *Noble*, endeavour'd for a Divorce in *Dollors Commons*: That the Deceas'd several times beat his Wife, and some time since went to Mr *Noble*'s Chambers with a Pistol in his Hand to kill him: That this Witness met the Deceas'd on the Stairs; which Passage he told to another Person.

This Person appear'd also and prov'd the same as it was told him by the other Witness. He also prov'd *Noble*'s wresting the Deceas'd's naked Sword from him, when he offer'd to Stab him through the Back, and that the Deceas'd was cur'd of the Foul Disease.

Several Witnesses were call'd to the Circumstances of the Murden.

The first a Woman Servant at the *Red Lyon* in *George-street* in the *Mint*, by the Name of *Elizabeth Sanders*, who swore, She was in the Back-side of her Master's House washing when the two Constables came to *Twysford*'s House: That they knock'd at the Door, and refus'd to tell their Business, or whom or what they wanted: That she went in with the Constables and Mr *Sayer*, and no body else with them: That the Deceas'd came to the House with his Sword about 3 Inches out, went up Stairs with the two Constables, came down by himself, had his Sword drawn, swore he would make an end of the Prisoner Mr *Noble*, broke open the Door, went into the Room, and fell down Dead; all which she saw, she being in the Kitchen below, but did not know how he dy'd.

Men were also call'd, and swore, that Mr. *Sayer* ran into the House with his Sword drawn about four Inches, swearing he would kill the Prisoner *Noble*, and to the other Points agreeing with those mention'd in the Affidavit, which Mr. *James Hannon* endeavour'd to suborn *Reeves* to swear to.

Others were call'd to invalidate the Evidence given of the Prisoner's swearing to stick the Deceas'd when he met him.

Others that they were in frequent Company with the Prisoners *Noble* and Mrs. *Sayer*, and never knew any Disorderly and Unbecoming Passages between them but thought the Prisoner *Noble* came to her only as her Attorney.

Several

Several others were call'd to the Reputation and Character of the Prisoners, particularly a Neighbour of Mrs. Sayer's in *Lisle-street*, who, 'tis probable, was not admitted into the Confidence of her Amours.

The Witnesses on both sides being examin'd, the Prisoners at the Bar pray'd Council, and had two assign'd them, Mr W—— and Mr D—— They insisted, that this Warrant from a Justice of Peace for the Deceas'd to take up his Wife was ill grounded, and made without Legal Authority: That without Legal Authority also, a multitude of People came into the House: That the Prisoners had no Notice they were Constables, and that the Deceas'd broke open the Door upon the Prisoners; upon which Points they mov'd for a Special Verdict, intending thereby to have Judgment respited. After the Arguments of the Council for the Queen and for the Prisoners were over, two Witnesses for the Queen mention'd before, were call'd up again, and one of 'em prov'd:

That the Man of the House where the Prisoners were taken, told 'em some few Days after the Murder, that immediately upon the coming in of the Constables, he ran through his Garden round the House to the Back Door, and told Mr Noble, the Constables were come, and wanted either him or himself: That he open'd the Back Door to the Prisoner Noble, and said to him, Sir, *You may go your way if you please*; upon which *Twyford's* Examination taken by *John Lade Esq*; a Justice of Peace, was read, *Twyford* own'd his Hand subscrib'd to it, and it agreed with this Evidence.

The other swore to his hearing *Twyford* say the same when he was before the Justice.

After all this it was resolved, that the Warrant being ill founded was not material; the Deceas'd was kill'd, and he cou'd justify the Action to take up his Wife; that it was sure the Prisoner Noble knew of the Deceas'd's being there, because he had confess'd it already. Upon the whole, the Evidence was summ'd up to the Jury with admirable Clearness, Impartiality and Eloquence, the Court having, during the Course of the Tryal, which was very long, from Six that Morning till One the next, shewn a Patience very rare, where so much needless Trouble was given. The Jury was admitted some little Refreshment at the Bar, while the Court was sitting: Then a Bayliff was sworn, and the Jury went out to agree on their Verdict; which they brought in *Saturday* Morning about 10 a Clock, That *Richard Noble* was Guilty on all Three Indictments, and the other two Prisoners *Mary Sayer* and *Mary Salusbury* Not Guilty.

On *Monday* when Mr. Noble was brought to the Bar to receive Sentence, he made a very moving Speech to the Court, which coming from the Mouth of a Man in his sad Circumstances, drew Tears from the Spectators, especially from the Fair Sex, some of whom 'tis probable consider'd him not only as a dying Man, but dying for the sake of his Mistress; who was so overjoy'd at her own Deliverance, that she seem'd to forget what a Condition her Gallant was in, and to think of nothing but how to get away from him; insomuch, that when she was in the Coach returning from *Kingston* to *London*, the Turnkey that went with the two Women, heard them say, it fell out just as they wou'd have had it. The Condemn'd Man complain'd of hard Usage in general, particularly as to the Jury, and his not being try'd single. He represented to the Court in a very pathetic manner, the fatal Consequences of an Error he had been led into by his Council, who advis'd him to rely on the Illegality of the Warrant, on Mr Sayer's pretended Attempts upon his Life, and the Defence that was prepared for him, which necessarily drew him in to own he knew Mr Sayer was in *Twyford's* House, whereas in Truth, he said, he did not know it.

I am not Lawyer enough to see wherein any other Plea wou'd have been more serviceable to him: He had basely stab'd a Man, whose Sword was not out of its Scabbard, and who being in Company with the two Constables, was in a justifiable Action: Whether he knew him or not, or whether it had been Mr Sayer or another, such a barbarous Murder could not have less Atonement than what the Law has given it: And tho' Humane Nature is so apt to melt into Pity at the sight of so much Distress, as was Mr Noble's; yet we shall soon be cur'd of it,

if we turn our Thoughts to the injured Mr Sayer, whose Blood cry'd aloud for Justice. As to the mistake of Noble's Council, one would wonder how so many of 'em could be mistaken, there being, as it was said, Twenty feed by him, and attending on him to prompt him, besides 20 or 30 Solicitors, tho' there were but two Council assign'd him.

He went on in his Speech to the Court to this Purpose: He desir'd Time to prepare for the Dreadful Day of Execution, his Mind being in an ill Frame for so great a Work, and the Number of his Sins requiring a Charitable Respite of it for Repentance: For, says he, *I am to appear shortly before a greater Tribunal than this.* He also represented to the Court, that he had, as an Attorney, the Concerns of several Gentlemen in his Hands, and if he had not a reasonable Time allow'd him to settle them, his Clients would be Sufferers. He protested, as he was a Dying Man, he knew nothing of *Hannon's* Business: He said, what he had done could not be Death by the *Levitical Law*.

As the Court had shewn him all along as much Favour as a Man in his Circumstances could expect, hearing him with Indulgence, even when it was plain he meant only to give Trouble, so was his last Request receiv'd with the same Goodness; and he was given to understand, Time shou'd be allow'd for those Purposes, but he must not flatter himself with vain Hopes, that there was any other Mercy refer'd for him, than what by Contrition he might hope for from Heaven. It was answer'd to his Objection, as to his Crimes not being Death by the *Levitical Law*, that by that Law even *Adultery* itself was Death. When Sentence was pronounc'd against him he sunk down, and all the Courage that appeared in him before vanish'd.

When the Goaler came with a Barbarity, Natural to those Fellows, to load Mr Noble with Irons, he was very much confounded. All the World knows the Cruelty and Wickedness of such Rascals, and there never was any thing worse than the Usage the Prisoner met with in his Irons: For tho' he had given, as 'ts said, 2 or 300 Pounds to all the Crew that were about him to have some Favour, they loaded him after Sentence with the heaviest Irons they had, and curst him as they were putting them on. This was enough to sink his Mind as well as his Body; and ever since he has behav'd himself with all the outward Signs of Penitence and Resignation. But one Person at a time is allow'd to Visit him in Prison besides the Minister, who was with him when the Gentleman from whom I had this Information was admitted to him. He was then very Pensive, loath to speak, and sitting in the Posture of a Man that had no more any Thoughts of this World. The Day of Execution is not yet appointed, and I am inform'd, the Prosecutors themselves have obtain'd a Reprieve for him for 20 or 30 Days, in order to settle his Affairs; and they have also engag'd a Reverend Divine to go to *Kingston*, on purpose to attend him in his Soul Concerns. If any thing remarkable happens further in the Catastrophe of this Tragedy, the Reader may expect it from the same Hands.

A little while after Mrs. Sayer and Mrs. Salusbury were acquitted, they found Bail for their forth coming for 12 Months, their Bail being Mr. Stephen Hodges, Mr. Joseph Stockar, Mr. Thomas Arne, and Mr. John Hodges in one Thousand Pounds each Surety, Five hundred Pounds a piece for each Prisoner. Immediately upon their being discharg'd, the two Ladies return'd to London, leaving their Fellow Prisoner, the dear Partner of their Pleasures and Perils, bound with harder Chains than those of Love: His Hands menac'd, his Legs fetter'd, his Friends abandoning him, his Council and Solicitors crying out, they would not have been concern'd for him had they known any thing of the Adultery. A wretched Object this of the miserable Condition of those, who giving themselves a loose to Lust, break all the Ties of Honour, Gratitude and Religion, to gratify a beastly Appetite, in whose Pursuit comes often Murder, and its end the Gibbet.

'Tis said there is yet no Appeal lodg'd against Mrs. Sayer and Mrs. Salusbury by the Infant of the Deceas'd; but it is reported, it will be within the Year, as the Statute directs.

I just now receiv'd Advice Mr. Noble's Friends make Interest with a certain Foreign Minister for a Pardon.

F I N I S

